



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Second and Final Account and Report of Conservator; Petition for  
Allowance of Compensation to Conservator and Attorney**

<b>DOD: 8/7/15</b>		<b>PUBLIC GUARDIAN</b> , Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 4/21/10 – 8/7/15	
<b>Cont. from</b>		Accounting - <b>\$73,644.84</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$ 1,102.41</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$ 1,338.14</b>	
<input type="checkbox"/>	<b>Inventory</b>	Subsequent Account period:	
<input type="checkbox"/>	<b>PTC</b>	8/8/15 – 7/18/16	
<input type="checkbox"/>	<b>Not.Cred.</b>	Accounting - <b>\$1,339.46</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Beginning POH - <b>\$1,338.14</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Ending POH - <b>\$1,219.46</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	Conservator - <b>\$2,655.28</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	(16.18 Deputy hours @ \$96/hr and 14.5 Staff hours @ \$76/hr)	
<input type="checkbox"/>	<b>Pers.Serv.</b>	Attorney - <b>\$1,250.00</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	(per Local Rule)	
<input type="checkbox"/>	<b>Letters</b>	Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Aff. Posting</b>	1. Approving, allowing and settling the second account;	<b>Reviewed by:</b> KT
<input type="checkbox"/>	<b>Status Rpt</b>	2. Authorizing the conservator and attorney fees and commissions;	<b>Reviewed on:</b> 9/29/16
<input type="checkbox"/>	<b>UCCJEA</b>	3. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.	<b>Updates:</b>
<input type="checkbox"/>	<b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/>	<b>FTB Notice</b>		<b>File 1 - Tate</b>

Petitioner Nena Soledad Saiz (Pro Per, maternal aunt)

## Petition for Appointment of Guardian of the Person

NO TEMPORARY REQUESTED			NEEDS/PROBLEMS/COMMENTS:
<p>NENA SOLEDAD SAIZ, maternal aunt, is Petitioner.</p> <p><i>~Please see Petition for details~</i></p> <p>Court Investigator's Report filed 8/23/2016.</p>			
Cont. from 082916			<p><b>Continued from 8/20/2016.</b> Minute Order states question #8 from the screening form was answered in open court. The Court Investigator is to provide CII to the Court. Examiner Notes given.</p> <p><b>The following defects from the last hearing remain:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing and proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> <li>• Ursula Reyes, mother;</li> <li>• Jerry Rodriguez, father.</li> </ul> </li> </ol> <p><i>~Please see additional page~</i></p>
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Clearances	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: LEG
			Reviewed on: 9/26/16
			Updates:
			Recommendation:
			File 2- Rodriguez

**NEEDS/PROBLEMS/COMMENTS, continued:**

2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
  - paternal grandparents;
  - Alex Reyes, maternal grandfather;
  - Patricia Ann Garcia, maternal grandmother;
  - Maddox Reyes, sibling, if age 12 or over.

Atty  
AttyFanucchi, Edward L. (for Gerald Ishii – Beneficiary – Petitioner)  
Burnside, Leigh W. (for Leslie Ishii – Co-Trustee – Respondent)

## Status RE: Settlement

	<p><b>GERALD ISHII</b>, Beneficiary and Co-Trustee, filed <b>Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs</b> on 5/17/12. The petition was set for hearing on 7/2/12.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
Cont. from 012516, 052316, 082916	<p><b>LESLIE ISHII</b>, Beneficiary and Co-Trustee, filed <b>Objection</b> on 6/21/12.</p>	<p><b>Minute Order 5/23/16:</b></p>
Aff.Sub.Wit.		<p><b>Counsel represent that they are still working on the settlement and making progress, request 90 days.</b></p>
Verified		
Inventory		
PTC		
Not.Cred.	<p>The hearing on 7/2/12 was continued numerous times, and after numerous status and settlement hearings, at the settlement conference hearing on 1/5/15, the parties represented that they are working on agreement, and the Court set this status hearing re the agreement for 4/13/15.</p>	
Notice of Hrg		
Aff.Mail		
Aff.Pub.	<p>The status hearing re the agreement was then continued to 4/13/15, 7/13/15, and finally 10/19/15. On 10/19/15, the Court set an Order to Show Cause hearing for 11/30/15 as to Gerald Ishii as to why he should not be removed as co-trustee for failure to resolve the matter and to Edward L. Fanucchi as to why he should not be sanctioned for his failure to appear.</p>	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	<p><b>Status Report filed 8/26/16 by Attorney Burnside</b> states the matter was tentatively resolved in 2014, but there were several deal-points that needed to be worked out, requiring input from the parties' accountants. Last year, Gerald Ishii proposed that the agreement include a lot-line adjustment involving separate adjacent parcels owned by him and by Les Ishii. Those parcels are not part of the trust or the underlying dipute. Les Ishii nevertheless agreed to the adjustment to give additional acreage to Gerald Ishii, but there remained details concerning the location of the new line. Those details have been resolved, but Les Ishii asked for access rights to maintain certain agricultural equipment located near the new lot line. Gerald agreed.</p>	
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>A written settlement was circulated, and a further draft was sent on 8/9/16. Ms. Burnside is presently waiting for counsel as to whether it is acceptable to Gerald Ishii.</p>	
	<p><b>Status Report filed 8/26/16 by Attorney Fanucchi</b> states the settlement agreement should be filed within the next 30 days.</p>	

**6 Jacare Andrew Shepheard, Jr., Zachary Tucker, III (GUARD/P)**  
**Case No. 12CEPR00512**

Petitioner: Lontoila Gary (pro per)

**Petition for Appointment of Guardian of the Person**

		THERE IS NO TEMPORARY. No temporary was requested.	NEEDS/PROBLEMS/COMMENTS:
		LONTOILA GARY, non-relative, is petitioner.	<p><b>This petition is as to ZACHARY TUCKER III only.</b> Guardianship of Jaycare Shepheard was granted to Johnyia Royster on 8/7/12.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing</li> <li>2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>a. Zachary Tucker III (father)</li> <li>b. Denell Brandon (mother)</li> </ol> </li> <li>3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>a. Zachary Tucker II (paternal grandfather)</li> <li>b. Angelica Palmer (paternal grandmother)</li> <li>c. Will Brandon (maternal grandfather)</li> <li>d. Debra Camicle (maternal grandmother)</li> </ol> </li> </ol>
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	X	
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/26/16
			Updates:
			Recommendation:
			File 6- Shepheard & Tucker

Attorney Heather H. Kruthers (for Petitioner Public Administrator)

**First Amended First and Final Account and Report of Administrator and  
Petition for Allowance of Ordinary and Extraordinary Commissions and  
Fees and for Distribution**

<b>DOD: 7/13/2014</b>	<b>PUBLIC ADMINISTRATOR</b> , Administrator with Will Annexed, is Petitioner.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>
	<b>Account period: 8/22/2014 – 2/18/2016</b>	
	Accounting - <b>\$510,335.49</b>	
<b>Cont. from 062316</b>	Beginning POH - <b>\$495,712.14</b>	
<b>Aff.Sub.Wit.</b>	Ending POH - <b>\$370,973.15</b> (all cash)	
✓ <b>Verified</b>		
✓ <b>Inventory</b>	Administrator - <b>\$12,497.28</b> (statutory)	
✓ <b>PTC</b>		
✓ <b>Not.Cred.</b>	Administrator X/O - <b>\$2,100.85</b> (\$1,000.00 for sale of real property per Local Rule; \$852.85 for sale of personal property @ 10% of gross value; \$248.00 for preparation of tax returns @ 1 deputy hour @ \$96/hour and 2 clerk hours @ \$76/hour;)	
✓ <b>Notice of Hrg</b>		
✓ <b>Aff.Mail</b>	W/	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	Attorney - <b>\$12,497.28</b> (statutory)	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	Costs - <b>\$997.50</b> (filing fees, certified copies)	
<b>Letters</b> 011415		
<b>Duties/Supp</b>	Closing - <b>\$2,000.00</b>	
<b>Objections</b>	Bond Fee - <b>\$1,913.76</b> (ok)	
<b>Video Receipt</b>		
<b>CI Report</b>	<b>Distribution pursuant to Decedent's Will is to:</b>	
✓ <b>9202</b>	• <b>ARMENIAN GENERAL BENEVOLENT UNION</b> , Fresno – <b>\$169,483.24 cash;</b>	
✓ <b>Order</b>		
<b>Aff. Posting Status Rpt</b>	• <b>ARMENIAN GENERAL BENEVOLENT UNION</b> , New York – <b>\$169,483.24 cash.</b>	
<b>UCCJEA</b>		
<b>Citation</b>		
✓ <b>FTB Notice</b>		
		<b>Reviewed by: LEG</b>
		<b>Reviewed on:</b> 9/26/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 7 - Paregian</b>

**First and Final Report of the Personal Representative and Petition for Final Distribution on Waiver of Accounting and Waiver of Allowance of Statutory Commissions**

<b>DOD: 10/12/07</b>	<b>DARLENE TOMIKO KAWANO,</b> Administrator, is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. There is no provision in the Probate Code for court ordered payments to the document preparer. Payments to the document preparer must be outside of the probate proceedings.  2. Order does not comply with Local Rule 7.6.1C. Monetary distributions must be stated in dollars and not a percentage of the estate.
	Accounting is waived.		
<b>Cont. from</b>	I & A - <b>\$335,000.00</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH - <b>\$347,658.98</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Administrator - <b>waives</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>	Document preparer - <b>\$1,984.39</b> (representing 1/3 of statutory)		
<input checked="" type="checkbox"/> <b>PTC</b>	Closing reserve - <b>\$3,000.00</b>		
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	<b>Distribution pursuant to intestate succession is to:</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Darlene Kawano - 1/4		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <input type="checkbox"/> <b>W/</b>	Marvin Kawano - 1/4		
<input type="checkbox"/> <b>Aff.Pub.</b>	David Kawano - 1/4		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Inez Kawano - 1/4		
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b> 6/8/15			
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input checked="" type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input checked="" type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by:</b> KT
			<b>Reviewed on:</b> 9/26/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 9- Kawano</b>



Petitioner

Craig Joseph Brandon (Pro Per)

**Petition for Final Distribution on Waiver of Accounting, for Reimbursement to  
Executor and Allowance of Administrator's Commissions**

<b>DOD: 4/1/2015</b>		<b>CRAIG JOSEPH BRANDON</b> , son and Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> and proof of service of notice to the following persons pursuant to Probate Code §1220(a)(1) and pursuant to § 11000 for settlement of the account: • Chris Brandon, son.  2. <i>Final Inventory and Appraisal</i> filed 12/25/2015 indicates that Steven Diebert appraised the property and collected the fee to which the referee is entitled, rather than Rick Smith, who is the designated Probate Referee for this matter pursuant to Probate Code § 8902 and the <i>Order for Probate</i> filed 7/1/2015. Court may require notice to Rick Smith under Probate Code § 8903(c)(5).  3. Paragraph 4 of the Petition states a <i>Supplemental Inventory and Appraisal</i> was filed showing a value of <b>\$2,500.00</b> . However, Court records do not show a supplemental inventory and appraisal was filed. Need supplemental inventory and appraisal to be filed with the Court. <b>~Please see additional page~</b>
		Accounting is waived.	
<b>Cont. from</b>		I & A — <b>\$152,261.50?</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH — <b>\$147,996.46</b> (all cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor — <b>\$4,916.00</b> (less than statutory?)	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	Executor Costs — <b>\$4,777.17?</b> (filing fees probate referee; publication; certified copies; real property expenses including utilities, insurance; wheelchair rental for Decedent; funeral expenses;)	
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Distribution pursuant to Decedent's Will is to:</b>	
<input type="checkbox"/>	<b>Letters</b> 070215	• <b>CRAIG JOSEPH BRANDON</b> – [\$66,912.88?] cash;	
<input type="checkbox"/>	<b>Duties/Supp</b>	• <b>CHRIS VIRGIL BRANDON</b> – [\$66,912.88?] cash.	
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> LEG			
<b>Reviewed on:</b> 9/26/16			
<b>Updates:</b>			
<b>Recommendation:</b>			
File 10- Brandon			

**NEEDS/PROBLEMS/COMMENTS, continued:**

4. Statutory fee calculation in paragraph 19 of the *Petition* cannot be verified as correct due to the lack of Petitioner having filed a supplemental inventory and appraisal of property valued at **\$2,500.00**, as stated in the *Petition*.
5. *Exhibit A, Expenses of Administrator* includes the following request for reimbursement totaling **\$735.24** for costs that are not allowed per Local Rule 7.17(B), or are allowed only in the Court's discretion:
  - 4/7/2015 payment of **\$54.24** for probate book;
  - 5/17/2015 payment of **\$675.00** for paralegal assistance fees;
  - 7/1/2015 payment of **\$6.00** for parking.
6. Proposed distribution purports to deduct the sum of **\$4,473.53** for additional expenses from the share of **CHRIS VIRGIL BRANDON**, son, without any indication that he has been served with notice of this hearing or served a copy of the *Petition* that seeks to offset his share of distribution from the Decedent's estate. Despite the *Waiver of Accounting* filed 8/22/2016 signed by Chris Brandon, Court may require consent to or a proof of acknowledgment of receipt of service of notice of the proposed distribution to **CHRIS VIRGIL BRANDON**, to demonstrate his agreement to the following offsets to be deducted from his share, as stated in the *Petition*:
  - Deduction of **\$2,532.26** for ½ of unpaid rent due to Craig Joseph Brandon for the months of December 2015 to May 2016;
  - Deduction of **\$1,851.20** for attorney's fees to evict Chris Virgil Brandon from the residence so it could be sold;
  - Deduction of **\$94.07** for cable box lost by Chris Virgil Brandon.
7. Need proposed order pursuant to Local Rule 7.6.1, containing a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance, and the amounts to be distributed.

**Status Re: Public Administrator's Findings**

<b>DOD: 6/8/02</b>		<p><b>SPECIAL ADMINISTRATION EXPIRED 6/13/16 (not extended)</b></p> <p><b>The FRESNO COUNTY PUBLIC ADMINISTRATOR</b> was appointed Special Administrator per Order 4/18/16.</p> <p><b>History: JUNUS B. PERRY, JR.,</b> Son, filed a petition for Letters of Administration on 11/13/15. The petition estimated real property valued at \$175,000.00.</p> <p>After various hearings, and given the issues listed in the Examiner Notes, including but not limited to lack of publication and notice, the Court denied Mr. Perry's petition and appointed the PA to determine whether administration is necessary. Letters of Special Administration issued 4/18/16.</p> <p><b>Status Report filed 8/9/16 states</b> it has been determined that the entire parcel is valued at \$40-50,000, and the estate's interest only approx. \$10,000. Most if not all would be used for creditor's claims and mortgage. When this matter was first assigned to the PA, she intended to work with the other beneficiaries to sell the estate's interest to the co-owners; however, due to discord in the family, the PA has been unable to mediation a resolution. In addition, no payments have been made on the property for about a year. If that continues, the property will be lost to foreclosure. The PA acknowledges that the estate owns an interest in the property, but asserts that the asset is worthless due to it only being a partial interest in property that is likely upside-down. <b>If the Court agrees based on this information, the PA requests the Court find there is no benefit to the estate for the PA to act as administrator and discharge the PA.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> On 8/18/16, the PA submitted a Request for Dismissal of the entire action; however, dismissal could not be administratively entered due to the PA's status as special administrator only.</p>
<b>Cont. from 061316</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 9/26/16
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 13- Perry</b>

Status RE: Report from the Public Administrator

<b>DOD: 10/31/15</b>		<p><b>HISTORY:</b> Kevin Earl Morris, Jr., grandson, filed a Petition for Probate of a will dated 1/22/90 on 1/26/16.</p> <p>Dale Boust, named executor of a will dated 10/21/15, filed an objection that stated there are insufficient assets to require a probate and made allegations regarding the petitioner.</p> <p>On 5/16/16, the Court denied the Petition and appointed the Public Administrator to review the estate, and set this status hearing re report from Public Administrator.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 8/29/16:</b> Mr. Morris is to serve Heather Kruthers with all the documents that he has filed by 9/12/16.</p>
<b>Cont. from 072516, 082916</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>		<p><b>Status Report filed 7/22/16 states</b> the PA asserts there is no need for a probate of the estate. According to a declaration filed by Dale Boust, a longtime friend of the decedent and named executor in the decedent's will, a bank account with an approx. balance of \$85,000 had a "pay on death" provision naming Wayne Morris as beneficiary. That amount was collected via affidavit. See report re status of vehicle and personal property believed to be in possession of Kevin Morris, Jr. Mr. Boust stated he has a small bank account established for the estate with about \$1,500.00, from which he has been paying final debts, and will distribute the remainder to Wayne Morris, beneficiary of the original bank account. With the distribution of the payable on death account to the decedent's brother, there are an insignificant amount of estate assets to continue a court probate. The named executor has taken actions consistent with the will to settle the decedent's final affairs. Any action to recover the 10 year old care and personal property from Kevin Morris, Jr., should be pursued by the decedent's brother and daughter, who according to the will are 1/3 beneficiaries. <b>The PA asserts that there is no estate to probate and requests this matter be closed and that she be discharged as administrator.</b></p>	<p><b>Examiner's Note:</b> Letters of Special Administration were requested from the PA rather than full appointment because the original petition for probate had not been published; therefore jurisdiction has not been established for this matter. It does not appear Letters haven been submitted for issuance.</p>
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

## Probate Status Hearing Re: Filing Inventory and Appraisal

		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>OFF CALENDAR.</b> Inventory and Appraisal filed on 6/7/16.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 9/26/16	
		Updates:	
		Recommendation:	
		File 15- Gonzalez	

**Petition for Order Confirming Successor Trustee and Trust Assets**

<b>Marlene Bissell</b> <b>DOD: 10/2/04</b>		<b>WILLIAM BRADLEY BISSELL</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>
<b>Gaylaird Bissell</b> <b>DOD: 12/10/14</b>			
		<b>Petitioner states</b> Trustors Gaylaird and Marlene Bissell created the Gaylaird K. Bissell and Marlene G. Bissell Family Trust on 5/31/04. Gaylaird was appointed as sole trustee and Petitioner was named as successor trustee. At all times herein, Marlene was represented by Gaylaird, her husband and attorney-in-fact under Durable Power of Attorney dated 9/17/02.	<b>Note: Page 18 is the related matter (Re: The Gaylaird K. Bissell Family Trust (Trust A), Case No. 16CEPR00741.</b>
<b>Cont. from 082916</b>		The trust at Schedule A provides that the trustee has been or will be designated as owner of all real and personal property, and the trustors concurrently executed assignments assigning and transferring all right title and interest in and to their real and personal property. In addition, Gaylaird executed a pour-over will. Petitioner states the trust was later amended as to distribution; however, the distributive provisions are not at issue in this petition.	<b><u>SEE ADDITIONAL PAGES</u></b>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Upon Marlene's death on 10/2/04, the trust estate was divided into two subtrusts: The Gaylaird K. Bissell Family Trust (Trust A) and the Marlene G. Bissell Family Trust (Trust B). Gaylaird remained the sole trustee of both trusts until 5/21/07, when he appointed Petitioner to serve with him as co-trustee. Gaylaird resigned as co-trustee on 2/5/09 and relinquished all duties to Petitioner as sole successor trustee.	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	Contemporaneously with the creation of the family trust, the trustors executed a grant deed recorded 6/3/04 conveying certain residential real property to the trustee. (See petition for legal description and APN. See Exhibit K for common address.)	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b><u>SEE ADDITIONAL PAGES</u></b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

## 17 Re: The Marlene G. Bissell Family Trust (Trust B) Case No. 16CEPR00740

**Page 2** – In 2010, Petitioner as successor trustee conveyed the subject property pursuant to the terms of the trust in equal undivided 50% interests to Trust A and Trust B.

Petitioner states in 2012, the Trustor applied to refinance the subject property, and the lender approved the Trustor's loan application on the condition that the Trustor hold title to the subject property in his individual capacity until the refinancing transaction was completed.

On or about 12/5/12, Petitioner as trustee granted the subject property to Gaylaird K. Bissell individually in compliance with the requirements of the refinancing lender, and the loan was approved. As part of the refinance escrow, a grant deed was prepared to accomplish reconveyance to the trust from the trustor, in his individual capacity, as intended by the trustors (unexecuted copy attached). Petitioner states he executed the Grant Deed as requested by the escrow holder; however, for reasons unknown, the escrow holder failed to effectuate recordation of any grant deed of reconveyance. (Petitioner states in retrospect, the reconveyance Grant Deed incorrectly identified Petitioner as the grantor rather than Gaylaird Bissell.)

As a result, at the time of his death in 2014, the subject property was held by Gaylaird K. Bissell in his individual capacity rather than in the trusts, as intended.

Petitioner is informed and believes that the trustor, through the error and omission of the refinancing escrow holder, did not complete the final step of trustor's refinancing plan by failing to reconvey the subject property to the trusts upon completion of the refinancing. Petitioner believes it was at all times the trustor's intent to maintain in place the estate plan and to distribute the family's estate through the trusts, and the trustor had no intent to alter the trusts or estate plan.

Petitioner states venue is proper in Fresno County as the real property, the principal place of administration, and Petitioner's attorneys are located in Fresno County, CA.

### **Petitioner prays for an order that:**

1. The Marlene G. Bissell Family Trust (Trust B) under declaration of living trust dated 5/31/04 is valid;
2. The real property described herein is an asset of the Marlene G. Bissell Family Trust as to an undivided 50% interest, and subject to the management and control of William Bradley Bissell as sole successor trustee;
3. Successor Trustee William Bradley Bissell is empowered and authorized to engage in any conduct necessary to include the subject property in Trust B and to sell, grant, convey or transfer such property; and
4. For such other orders as the Court may deem proper.

**Update:** Prior Examiner Notes requested clarification regarding the refinance, as no documents appear to have been executed by Gaylaird Bissell himself, as well as a copy of the DPOA authorizing creation of a trust on Marlene's behalf. **Petitioner's Declaration filed 9/23/16 provides a copy of the DPOA and states** his father requested his assistance with administration of the trusts as serve with him as co-trustee, and by 2009 had decided to relinquish his duties as trustee to concentrate on preserving his health. in 2012, in consultation with his father and with his agreement, they investigated lending markets and determined that a lower interest rate could be obtained on the home, which would reduce the monthly payment on the loan balance, and decided to pursue refinancing, which led to the property being held by his father individually. See attached documents signed by Gaylaird Bissell as borrower.

**Petition for Order Confirming Successor Trustee and Trust Assets**

<b>Marlene Bissell</b> <b>DOD: 10/2/04</b>		<b>WILLIAM BRADLEY BISSELL</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Page 17 is the related matter (Re: The Marlene G. Bissell Family Trust (Trust B), Case No. 16CEPR00740).  <p style="text-align: center;"><u><b>SEE ADDITIONAL PAGES</b></u></p>
<b>Gaylaird Bissell</b> <b>DOD: 12/10/14</b>			
<b>Cont. from 082916</b>		<p><b>Petitioner states</b> Trustors Gaylaird and Marlene Bissell created the Gaylaird K. Bissell and Marlene G. Bissell Family Trust on 5/31/04. Gaylaird was appointed as sole trustee and Petitioner was named as successor trustee. At all times herein, Marlene was represented by Gaylaird, her husband and attorney-in-fact under Durable Power of Attorney dated 9/17/02.</p> <p>The trust at Schedule A provides that the trustee has been or will be designated as owner of all real and personal property, and the trustors concurrently executed assignments assigning and transferring all right title and interest in and to their real and personal property. In addition, Gaylaird executed a pour-over will. Petitioner states the trust was later amended as to distribution; however, the distributive provisions are not at issue in this petition.</p> <p>Upon Marlene's death on 10/2/04, the trust estate was divided into two subtrusts: The Gaylaird K. Bissell Family Trust (Trust A) and the Marlene G. Bissell Family Trust (Trust B). Gaylaird remained the sole trustee of both trusts until 5/21/07, when he appointed Petitioner to serve with him as co-trustee. Gaylaird resigned as co-trustee on 2/5/09 and relinquished all duties to Petitioner as sole successor trustee.</p> <p>Contemporaneously with the creation of the family trust, the trustors executed a grant deed recorded 6/3/04 conveying certain residential real property to the trustee. (See petition for legal description and APN. See Exhibit K for common address.)</p> <p style="text-align: center;"><u><b>SEE ADDITIONAL PAGES</b></u></p>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> <input type="checkbox"/> w		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		



## 18 Re: The Gaylaird K. Bissell Family Trust (Trust A) Case No. 16CEPR00741

**Page 2** – In 2010, Petitioner as successor trustee conveyed the subject property pursuant to the terms of the trust in equal undivided 50% interests to Trust A and Trust B.

Petitioner states in 2012, the Trustor applied to refinance the subject property, and the lender approved the Trustor's loan application on the condition that the Trustor hold title to the subject property in his individual capacity until the refinancing transaction was completed.

On or about 12/5/12, Petitioner as trustee granted the subject property to Gaylaird K. Bissell individually in compliance with the requirements of the refinancing lender, and the loan was approved. As part of the refinance escrow, a grant deed was prepared to accomplish reconveyance to the trust from the trustor, in his individual capacity, as intended by the trustors (unexecuted copy attached). Petitioner states he executed the Grant Deed as requested by the escrow holder; however, for reasons unknown, the escrow holder failed to effectuate recordation of any grant deed of reconveyance. (Petitioner states in retrospect, the reconveyance Grant Deed incorrectly identified Petitioner as the grantor rather than Gaylaird Bissell.)

As a result, at the time of his death in 2014, the subject property was held by Gaylaird K. Bissell in his individual capacity rather than in the trusts, as intended.

Petitioner is informed and believes that the trustor, through the error and omission of the refinancing escrow holder, did not complete the final step of trustor's refinancing plan by failing to reconvey the subject property to the trusts upon completion of the refinancing. Petitioner believes it was at all times the trustor's intent to maintain in place the estate plan and to distribute the family's estate through the trusts, and the trustor had no intent to alter the trusts or estate plan.

Petitioner states venue is proper in Fresno County as the real property, the principal place of administration, and Petitioner's attorneys are located in Fresno County, CA.

### **Petitioner prays for an order that:**

1. The Gaylaird K. Bissell Family Trust (Trust A) under declaration of living trust dated 5/31/04 is valid;
2. The real property described herein is an asset of the Gaylaird K. Bissell Family Trust as to an undivided 50% interest, and subject to the management and control of William Bradley Bissell as sole successor trustee;
3. Successor Trustee William Bradley Bissell is empowered and authorized to engage in any conduct necessary to include the subject property in Trust A and to sell, grant, convey or transfer such property; and
4. For such other orders as the Court may deem proper.

**Update:** Prior Examiner Notes requested clarification regarding the refinance, as no documents appear to have been executed by Gaylaird Bissell himself. **Petitioner's Declaration filed 9/23/16 states** his father requested his assistance with administration of the trusts as serve with him as co-trustee, and by 2009 had decided to relinquish his duties as trustee to concentrate on preserving his health. In 2012, in consultation with his father and with his agreement, they investigated lending markets and determined that a lower interest rate could be obtained on the home, which would reduce the monthly payment on the loan balance, and decided to pursue refinancing, which led to the property being held by his father individually. See attached documents signed by Gaylaird Bissell as borrower.

Petitioner: Alicia Marie Cabrera (pro per)

## Petition for Appointment of Guardian of the Person

		THERE IS NO TEMPORARY. No temporary was requested.	NEEDS/PROBLEMS/COMMENTS:
		ALICIA CABRERA, paternal aunt, is petitioner.	
Cont. from		Please see petition for details.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 9/26/16	
		Updates:	
		Recommendation:	
		File 19- Cabrera	